

**PLANNING COMMISSION MEETING
MUNICIPAL CENTER COUNCIL CHAMBERS
Tuesday, April 1, 2008**

The regular meeting of the Planning Commission was scheduled and held in the Council Chambers of the Municipal Center on April 1, 2008. Madam Chairman Burrow welcomed everyone and asked the Commission members as well as the audience to please speak into the microphone so they could be heard. Madam Chairman Burrow then called the meeting to order at 6:00 p.m. asking the secretary for the roll.

Ms. Rush called the roll of the Board to establish a quorum:

Commissioners Present

Mr. Rick Bennett

Ms. Susan Burrow, Madam Chairman

Mr. John Drinnon, Alderman

Mr. Jeff Glatstein

Mr. David Klevan

Mr. Forrest Owens, Secretary

Mr. Greg Marcom, Vice Chairman

Mr. Dike Bacon

Attorney

Mr. David Harris

Development Staff

Mr. Andy Pouncey, Asst. City Administrator

Mr. Jerry L. Cook, Director of Economic & Community Development

Mr. Josh Whitehead, Planning Division Director

Mr. Wade Morgan, Chief Planner

Mr. Keith Briley, Long Range Planner

Ms. Lauren Johnson, Land Use Planner

Ms. Katie Graffam, Economic Development Coordinator

Mr. Tim Gwaltney, P.E., City Engineer

Ms. Pam Rush, Administrative Secretary

Absent

X

X

A quorum for tonight's Planning Commission meeting was established.

Madam Chairman Burrow stated there is a change in tonight's agenda: Item 3 and 5 has been moved to the Consent Agenda as item 2a and 2b.

1. Approval of Minutes for March 4, 2008

Madam Chairman Burrow stated for those people who just arrived, tonight's agenda is on the front table. The first order of business is the approval of the minutes for March 4, 2008. If there were no additions, corrections or deletions to the minutes of the March 4, 2008, meeting of the Planning Commission, she would entertain a motion for approval.

Alderman Drinnon moved to approve the Planning Commission minutes of March 4, 2008, as submitted, seconded by Mr. Owens.

Madam Chairman Burrow asked for a roll call.

Roll Call: Bennett – abstain; Burrow – yes; Drinnon – yes; Glatstein – absent; Bacon – absent; Marcom –yes; Owens – yes; Klevan – yes. **The motion passed.**

Madam Chairman Burrow stated the second order of business is the approval of the Consent Agenda. She then proceeded to read the Consent Agenda items:

2. CONSENT AGENDA

The following have been added to the Consent Agenda:

2. a. Taco Bell - Lot 4 of Wolf River Center, North Side of Wolf River Boulevard East of Germantown Road - Request Final Site Plan Approval

BACKGROUND: The Planning Commission approved the request for Preliminary and Final Plat approval for the Re-subdivision of Lot 2 of the Wolf River Center on September 7, 2004, and the Board of Mayor and Aldermen approved Subdivision Development Contract Number 456 on September 27, 2004. The Planning Commission granted Preliminary Site Plan approval to Taco Bell on November 6, 2007.

DISCUSSION: The applicant is requesting final site plan approval of a 2,755 square foot restaurant and 37 parking spaces for Taco Bell. As part of the approval, the applicant is requesting revisions to the subdivision plat that include the following items:

- Extend the property line of Lot 4, acquiring approximately 4,833 square feet from Lot 3
- Relocate a sixteen inch (16") ductile iron sanitary sewer force main that crosses the site and the associated fifteen foot (15') sanitary sewer easement
- **Abandon the five foot (5') utility easement along the north property line and relocate to the new north property line**
- Record construction easements as shown on Sheet C1.00 of the plans submitted
- Record new ingress/egress easement along revised property line to the north

The Technical Advisory Committee (T.A.C.) met on October 11th, and made the following comments, *applicant's response is in italics, also refer to the attached letter from the applicant:*

A. PRIOR TO FINAL SITE PLAN APPROVAL

1. The applicant shall provide staff with a traffic control plan to temporarily close the access drive.
So noted, will comply.
2. The requested removal of the 5-foot utility easement on the north side of the property requires letters of abandonment from all associated utility companies that may have utilities located within the easement. Once the letters of abandonment are received, a new 5-foot utility easement shall be located along the proposed north property line.
So noted, will comply.
3. Construction easements are needed, with Exxon, Trust One Bank and the remaining John Walker properties.
4. The applicant should provide documentation of agreement from Exxon that they are agreeable to altering the access drive and curbing.
So noted, coordination with the Exxon Corporation is in process. See attached email and attachments from applicant.
5. The applicant shall submit approved construction plans signed by the City of Memphis for the proposed force main relocation.
So noted, coordination with the City of Memphis is in process. The City of Memphis has approved the Sewer Force Main Relocation plans and is in the process of drafting and executing the Construction/Development Contract.

B. PRIOR TO BOARD OF MAYOR AND ALDERMEN APPROVAL

1. Prior to BMA Approval and subsequent Notice to Proceed, the City of Germantown must receive a copy of the fully executed contract between the developer and the City of Memphis for the sewer force main relocation.

The applicant has been made aware of this and has agreed.

2. Prior to BMA Approval and subsequent Notice to Proceed, the City of Germantown must receive a copy of the agreement between Exxon and Taco Bell stating that Exxon is agreeable to the altering the access drive and curbing and construction easements.

The applicant has been made aware of this and has agreed.

C. PRIOR TO CONSTRUCTION PLAN APPROVAL

1. All construction detail shall be standard City of Germantown construction details.
2. The access drive onto Wolf River Blvd. shall be a standard City of Germantown apron.
3. The subdivision plat shall be re-recorded indicating the changes to the lot lines and easements.
4. The domestic waterline backflow preventer is to be located inside the building.
5. All off-site construction shall require temporary construction easements.
6. The note on sheet C0.00 about the location of the access drive should read "new" not "now".
7. The plans shall show City of Germantown title blocks and details.
8. The plans shall show the existing sanitary sewer service more clearly and the new sewer service is too close to the storm drain line (the north side of the building). The plans shall show the existing 8" sanitary sewer more clearly.
9. The applicant shall revise the handicap ramp design per City standards.
10. The plans shall show the existing driveway entrance apron on Wolf River Blvd. and modifications to it, if any.
11. The applicant shall revise the water service detail on sheet C4.02.
12. The plans shall show the City standard commercial drive entrance detail.
13. A longer sidewalk transition is needed to the west, at Exxon.
14. The drain inlet detail on sheet C4.00 shall be replaced with a #10 modified, City of Germantown standards.
15. All flood notes shall refer to 2007 FEMA Maps.

C. GENERAL INFORMATIONAL SPECIFIC TO THIS PROJECT

1. After final plan approval by the Planning Commission (PC), the project may proceed to the Design Review Commission (DRC) for review and approval. After final plan approval by the DRC, the project may proceed to the Board of Mayor and Alderman (BMA) for development contract approval.
2. This property is not on the City of Germantown sanitation pickup collection system. The applicant shall enter into a private sanitation contract for that service.

D. GENERAL REQUIREMENTS

1. All construction activities of one acre or more must be permitted through the EPA Phase II Final Rule NPDES permit coverage.
2. All recorded easements shall be shown on the plat. A five (5)-foot utility easement is required along all property lines, adjacent to and not within any other easement.
3. The City of Germantown Fire Department requires that the applicant provide an approved water supply and driving surface prior to bringing any combustibles on site or beginning any construction.
4. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
5. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control for Final Plan approval. The Final Plan, construction drawings and "as built" plans shall be submitted on electronic media in a format acceptable to the City.
6. The applicant/developer during the construction phases of the project shall do the following:
 - (a) Keep all streets clear and free of dirt and debris;
 - (b) Ensure that all construction activity begins no earlier than 7:00 a.m. and ends no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and,
 - (c) Provide the Department of Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.

Staff Recommendation: Approval

Subdivision & Site Plan Review Subcommittee: (Greg Marcom, Chairman):

The Subdivision & Site Plan Review Subcommittee met on January 16, 2008, and withheld recommendation.

PROPOSED MOTION: To grant approval of the request for final site plan approval of Taco Bell located at Lot 4 Wolf River Center, North Side of Wolf River Boulevard and East Side of Germantown Road.

2. b. Blair/James Commercial Subdivision - Request the Re-subdivision of Lot 3

BACKGROUND: The Blair/James Commercial Subdivision was originally a 7.5-acre subdivision containing four lots (1 – 4) for commercial development and one lot (Lot 5) zoned AG that was mostly within the Wolf River floodway. The Planning Commission originally approved the Blair/James Subdivision on July 5, 1994. The Board of Mayor and Aldermen approved Subdivision Development Contract Number 373 on September 12, 1994.

DISCUSSION: The current proposal is to further subdivide Lot 3 into 2 lots. Lot 3 is located on the north side of Wolf Trail Cove, at its western end and contains 64,759 sq. ft. The lot has been approved for two office buildings: 7800 Wolf Trail Cove which contains the Women's Clinic (which is built and open); and the Wolf Trail Medical Office Building, which is currently under construction. The proposed re-subdivision will create a 37,687 sq. ft. Lot 1 for the existing building on the north side of existing Lot 3, and a 47,610 sq. ft. Lot 2 for the building under construction. There are a total of 103 parking spaces serving both buildings. Those spaces will be shared between the two lots/buildings. An access easement is to connect proposed Lot 1 to Wolf Trail Cove.

1. The plat of the Blair/James Commercial Subdivision is attached.

STAFF RECOMMENDATION: Approval

SUBDIVISION AND SITE PLAN SUBCOMMITTEE (Greg Marcom, Chairman): The Subdivision and Site Plan Subcommittee met on March 19, 2008 and withheld recommendation, pending review of the revised plan.

Staff Recommendation: Preliminary and Final Approval.

PROPOSED MOTION: To approve the re-subdivision of Lot 3 of the Blair/James Commercial Subdivision.

Mr. Marcom recused himself from Taco Bell and Blair/James Lot 3 Commercial Subdivision.

Madam Chairman Burrow stated at the Executive Session this evening, the following items were placed on the Consent Agenda by the Planning Commission: **Taco Bell and Blair/James Lot 3**. As part of the Consent Agenda, these items will ***not*** be presented, discussed or voted upon individually. If you would like to have discussed before the Planning Commission this evening, please come forward at this time.

Madam Chairman Burrow stated again, **Taco Bell and Blair/James Lot 3** have been placed on the Consent Agenda and will be voted upon as one motion and will not be discussed individually unless someone on the Commission or in the audience comes forward to remove that item from the Consent Agenda. Does anyone interested in any of these matters wish to be heard?

Madam Chairman Burrow stated seeing no one come forward, I would like to note that on all matters concerning the Consent Agenda, the vote of each member of the Planning Commission would constitute an acknowledgement that the member has read the application or proposal, the staff reports and the Subcommittee report. I am prepared for a motion for approval of the Consent Agenda.

Mr. Klevan moved to approve the Consent Agenda as read, seconded by Mr. Bennett.

Madam Chairman Burrow asked for the roll call.

Roll Call: Marcom – abstain; Bacon – absent; Glatstein – absent; Drinnon – yes; Burrow – yes; Bennett – yes; Klevan – yes; Owens – yes. **The motion passed.**

3. Germantown Presbyterian Church – southeast corner of McVay Road and S. Germantown Road – Request Preliminary Site Plan approval

BACKGROUND: The Project Development Contract (No. 86) for Germantown Presbyterian Church was approved on August 26, 1985. On July 11, 1985, the Board of Zoning Appeals approved a request for a Use-on-Appeal to allow for an expansion of facilities and for a variance of off-street parking. The parking variance included an approval for a total of 246 parking spaces, with the understanding that once the church filled 90% of the parking on Sunday mornings, they would work with the City to fill the ball fields on the southern end of the property with additional parking. To date, this option has not been exercised. On July 25, 1995, the Design Review Commission approved a landscape plan for this property. On October 27, 2008, the Design Review Commission granted approval to revisions of the approved landscape plan to reflect landscaping changes along South Germantown Road. The Design Review Commission also granted approval for a ground-mounted light and associated landscaping for the chapel on January 26, 1999.

DISCUSSION: The specific request by the applicant is to approve the preliminary site plan for the expansion of Germantown Presbyterian Church. The proposed plan will revise the parking area along Germantown Road, and enlarge the existing chapel and the administrative/education building. The specifics of the site plan are as follows:

SITE DATA

Area	6.47 acres
Total Required Parking	137 spaces
Total Proposed Parking	225 spaces

Handicap parking	8 spaces
Regular parking	217 spaces
Building Footprint Area	39, 741 square feet
Pervious	48%
Impervious	52%
Building Height	24' (from ground to roof midpoint)

The Technical Advisory Committee (T.A.C.) met on March 13, 2008, and made the following comments:

STAFF COMMENTS:

A. PRIOR TO FINAL PLAN APPROVAL:

1. All grading and drainage shall show a minimum of 100 feet of off-site topography on all sides in order to determine the effect of off-site features on the development under review or its affect on adjacent properties.
2. A plat shall be submitted for this property.
3. All public and private easements, as well as utility easements (i.e. electric, telephone, gas and cable) shall be shown on the final plat.

The following comments were generated at the T.A.C. meeting to address some of the revisions that must be made to the construction plans. Additional comments may be generated at the time of construction plan review.

B. PRIOR TO CONSTRUCTION PLAN APPROVAL:

1. Erosion control plans must be more detailed.
2. A combination Utility Plan showing sanitary sewer/water/drainage lines, structures and house services shall be submitted with the construction drawings.
3. Existing traffic signals, poles, equipment and all related appurtenances requiring removal or relocation shall be the developer's responsibility. This project involves demolition work very near existing traffic signals. The plans do not indicate relocation of the existing signals or appurtenances. However, any damages to those signals or appurtenances as a result of the developer's contractor will be the developer's responsibility.
4. The fire department connection in the demolition area currently provides fire protection for the existing 8,285 sq. ft. sanctuary. The water supply for the sanctuary is also in this area. Provisions will be made to maintain fire protection service to the sanctuary as the fire protection was required to occupy the building.

C. GENERAL REQUIREMENTS:

1. All recorded easements shall be shown on the plat. A five (5)-foot utility easement is required along all property lines, adjacent to and not within any other easement.
2. All survey data shall be tied to Tennessee State Plane Coordinates and the City of Germantown monumented survey control. The final plan, construction drawings and "as built" drawings shall be submitted on electronic media in DXF format. Concrete monuments shall be placed at all corners at the subdivision properties.
3. Irrigation systems shall not be located within the right-of-way. The only exception would be within a median where irrigation is required.

4. Existing infrastructure that is not required for this development must be properly removed, relocated, abandoned, etc., in accordance with any and all local, State or Federal regulations. These items include, but are not limited to, wells, septic tanks, storage tanks, buildings and gas facilities, etc. Verification/certification of proper closure and/or removal (i.e. an asbestos check) must be submitted to the City Engineer from the appropriate agency.
5. Construction activities of one acre or more must be permitted through the EPA Phase II Final Rule NPDES permit coverage. Each Lot requires a grading permit prior to the issuance of a foundation permit by Shelby County Code Enforcement.
6. Shelby County Code, Section 3-25 [Reference 1200-3-11-02 (Asbestos)] require building owners and/or operators to submit a notification of intent to do demolition or renovation at least ten (10) working days prior to the start of the activity even if no asbestos is present so compliance can be verified. Notification also includes the submittal of an asbestos survey report. Please contact the Health Department at (901) 544-7349 for more information.
7. A demolition plan shall be included that details the removal of existing buildings, accessory structures, gas service, sanitary sewer service, electrical service, and the water service.
8. The City of Germantown Fire Department requires that the applicant provide an approved water supply and driving surface prior to bringing any combustibles on site or beginning any construction.
9. Proper erosion control and drip line tree protection measures shall be in place before clearing begins and regularly maintained throughout the construction phase until all areas are stabilized to the satisfaction of the City Engineer and the Tennessee Department of Environment and Conservation (TDEC). Upon completion of the project, a Notice of Termination (N.O.T.) shall be provided to the City's Engineering Division.
10. All drainage and related facilities (i.e. ditch paving, bank protection and fencing adjacent to open ditches) made necessary by this development are to be constructed by the Developer according to plans and specifications reviewed by the City Engineer.
11. The applicant/developer during the construction phases of the project shall do the following:
 - (d) Keep all streets clear and free of dirt and debris;
 - (e) Ensure that all construction activity begins no earlier than 7:00 a.m. and ends no later than 6:00 p.m., Monday thru Saturday, and no construction activity shall be permitted on Sundays; and,
 - (f) Provide the Department of Economic & Community Development with the name, address and phone number of person(s) to be contacted and responsible for correcting any of the above should the occasion arise to do so.
12. The applicant is required to include the following formal written statement by a certified and licensed professional engineer to be placed on the grading and drainage plans, signed, dated and sealed:

I, _____, a duly licensed professional engineer in the State of Tennessee, hereby certify that I have designed the drainage in accordance with the Design Standards of the City of Germantown and have considered upstream and downstream conditions that affect drainage to include topography, present and future land use, existing zoning, and location of natural water courses.
13. The applicant/developer shall enter into a Project Development Contract with the City of Germantown for this project after it has received Final approval from the Planning Commission and the Design Review Commission.

SUBDIVISION & SITE PLAN REVIEW SUBCOMMITTEE (Greg Marcom, CHAIRMAN):

The Subdivision & Site Plan Review subcommittee met on March 19, 2008, and withheld recommendation.

Staff Recommendation: Preliminary Approval.

PROPOSED MOTION: To grant the request for preliminary site plan approval of Germantown Presbyterian Church, 2363 South Germantown Road, southeast corner of McVay and South Germantown Roads, subject to staff comments.

Mr. Owens recused himself from Germantown Presbyterian Church.

Bob Pitts 9192 Gray Cliff Drive stated that he is a deacon in the church and he was chosen to represent the church. We have been working with the Architect from six to twelve months, looking to add a classroom and Administrative Office Space to the church.

Steve M. 2429 Arthur Road stated he has lived next door to the church for thirty-four years. In the past, the church has had a street closed, a historical property torn down and they have broken covenants of our subdivision. They have rezoned one of the residential lots as part of the church property. They have never had any regards for the neighbors, because occasionally they have overflow parking, which the cars end up parked in my front yard and I have to pick up the trash after they leave. The City is in the process of doing a master plan and public improvements to the Arthur Riggs Subdivision. The schools and churches are the two most negative things you can have next to residential property.

Madam Chairman Burrow asked Mr. Whitehead if they had met with the neighbors?

Mr. Whitehead stated no the applicant would have to speak about that.

Bob Pitts 9192 Gray Cliff Drive stated he is not aware of any meetings with the neighbors. We are a growing congregation in the community of Germantown. We have several outreach ministries and our preschool reaches out to the neighboring community. In addition, we are looking to expand the church in our Sunday School Programs. We have always obeyed by the zoning and subdivision regulations from the City. We would be happy to meet with the neighbors.

Mr. Marcom stated he does not have any problems with the plan. He did suggest that the applicant meet with the neighbors before Final Plan Approval because of any outstanding issues, which the neighbors are concerned about, can be address at that time.

Mr. Marcom moved to approve the Preliminary Site Plan as read, seconded by Mr. Bennett.

Madam Chairman Burrow asked for the roll call.

Roll Call: Marcom – yes; Bacon – absent; Glatstein –absent; Drinnon – yes; Burrow – yes; Bennett – yes; Klevan – yes; Owens – abstain. **The motion passed.**

4. Madam Chairman Burrow asked if there was any old business or new business to come before the Commission? There were none.

She asked if there were any liaison reports? There were none.

ADJOURNMENT

The meeting adjourned at 6:20 P.M.